

### Remarks

Claims 1-20 are pending in the present application. Claims 1-20 are rejected under 35 U.S.C. 112. second paragraph.

The paragraph beginning at page 2, at line 26 is amended to provide that "Typically, the microfine particles are such that 80 percent or more of the particles ranging in size from about 10 up to about 500 microns." The antecedent basis for this amendment of the Specification is found in U.S. Pat. No. 5,209,977 which was incorporated by reference in the present application (p. 6, ll. 24-26).

New claim 21 is presented for examination.

#### **1. Claim Rejections Under 35 U.S.C. Second Paragraph**

Claims 1-20 are rejected under 35 U.S.C. 112. second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants respectfully traverse the Examiner's rejection for the reasons set forth below. In support of his rejection, the Examiner states that:

The term "microfine polymer powder" is unclear in that it is subjective as to what particle sizes would be embraced by the term "microfine." While applicants' specification defines this term as embracing particle sizes of 1-500 microns, the term "particle sizes" as recited on page three of applicants' specification is itself unclear since particle sizes exist as a distribution of diameters and will therefore vary depending on the type of particle size, for instance number average or weight average particle sizes.

Office Action, dated February 2, 2005

Applicants have amended the Specification to state that "Typically, the microfine particles are such that 80 percent or more of the particles ranging in size from about 10 up to about 500 microns." Although this amendment alone adequately addresses the Examiner's concerns regarding the fact that powders contain a distribution of powder, Applicants assert that the definition of microfine as originally filed was completely adequate. Applicants described microfine as:

The term "microfine" is intended to describe polymers that have particle sizes ranging from about 1 micron to about 500 microns, but with a wide range of morphologies.

Specification, p. 3, ll. 1-3

The original definition provided is in no way inopposite to the notion that the polymers have a range of particle sizes. One skilled in the art would indeed understand that for a given powder, microfine by the original definition requires that the particles in that powder will be in a distribution and have particle sizes ranging from 1 micron to 500 microns. For example, an imaginary powder having particles of only 100 microns and 300 microns falls within this definition since this powder has particles between 1 and 500 microns. Applicants' definition also contemplates that the distribution may have particles outside this range so long as there are particles within the range of 1 to 500 microns. Applicants agree that a powder typically includes a range of particle sizes that may be characterized by a suitable average. However, characterizing such a distribution by an average is not the only way to describe such powders. Modern particle analysis and electron microscopy allow the action range of particles sizes in a given sample to be determined. Accordingly, set a range of particle sizes is completely plausible without an average being necessary.

For the reasons set forth above, Applicants have demonstrated the patentability of claims 1-20 over 35 U.S.C. 112 second paragraph. Applicants respectfully request notice to that effect.

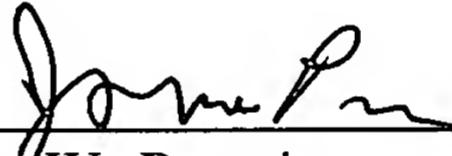
### Conclusion

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,

**Bradley P. Etherton**

By

  
James W. Proscia  
Reg. No. 47,010  
Attorney/Agent for Applicants

Date: May 2, 2005

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351